# <u>REMARKS</u>

Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-4, 6-26, and 28 were pending at the time of the action.
- Claim 1-4, 9, 12, 13, and 21 are amended herein.
- New claims 29 and 30 are added herein.
- Claims 1-4, 6-26, and 28-30 are presented for examination.

Support for the amendment to claim 1 and the new claims is found in the application, as originally filed, at least at FIG. 3 and the corresponding discussion in the specification. Applicant amends claims 2-4, 9, 12, 13, and 21 solely for antecedent basis or formality. The amendments submitted herein do not introduce new matter.

## <u>Cited Documents</u>

The following documents have been applied to reject the pending claims:

- **Alexander:** Alexander, et al., U.S. Patent No. 6,177,931
- **Darbee**: Darbee, et al., U.S. Patent Application Publication No. 2002/0184626

## <u>Claims 1-4, 6-26, and 28 are Non-Obvious Over Alexander in view of Darbee</u>

Claims 1-4, 6-26, and 28 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Alexander in view of Darbee. Applicant respectfully traverses the rejection. Nevertheless, solely in the interest of expediting issuance, Applicant amends claim 1 as shown above and discussed below. Applicant respectfully requests reconsideration of the claims presented herein.

*Independent Claim 1*

Claim 1, as amended herein, recites (with added language underlined):

A tangible processor-readable medium having processor-executable instructions that, when executed by a processor, performs operations comprising:

presenting an electronic program guide (EPG) user interface (UI) illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel;

monitoring user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI, such that:

when a number of presses of the scroll forward key advances a presentation of the schedule of multimedia programming in the grid pattern of the EPG UI less than a predefined amount of time into the future, the EPG UI presents the schedule of multimedia programming in the grid pattern that is associated with a scrolled forward time without identifying a triggering user interaction associated with the number of presses of the scroll forward key; and

when the number of presses of the scroll forward key advances the presentation of the schedule of multimedia programming in the grid pattern of the EPG UI the predefined amount of time into the future, the operations include identifying a triggering user interaction;

in response to identifying one or more triggering user interactions, presenting a quick EPG-navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming, the quick EPG-navigation UI having one or more user-selectable options therein; and

responding to a user's selection of one or more of the options of the quick EPG-navigation UI.

At least as amended to highlight that a triggering user interaction of the scroll forward key is recognized as different from mere key press, claim 1 is allowable over a combination of Alexander and Darbee, assuming arguendo that Alexander and Darbee are properly combinable, which Applicant does not concede.

Alexander discusses pressing a key to scroll forward in time within a program guide; this scrolling forward only advances programming and does not trigger presentation of a quick EPG-navigation UI. The Office cites Darbee in an effort to remedy the deficiency of Alexander.

Darbee discusses changing from a quick view format to a detail view format using an "EZ info key 22." *Darbee*, [0229]. Meanwhile, Darbee describes moving left or right within a programming guide progressing in ½-hour increments and changing full screens in a "Quick View" from "consecutive presses of either the Up or Down arrow button." *See Id.*, [0133], [0134], and [0137].

With regard to the quick view format, Darbee describes two modes, a "Detailed View mode" and a "Quick View mode." Darbee states that the "Quick View mode displays 4 channels per screen of call-sign/Network information followed by program title only," while the "Detailed View mode offers various levels of detail about a program such as title, episode, actors, guests, rating." *Id.*, [0074]. Darbee states that a "user may navigate either mode independently, or may switch back and forth" between the two modes. *Id.* Thus, Darbee describes moving between a quick view and a detailed view and does not describe a number of presses of a scroll forward key triggering presentation of a quick EPG-navigation UI.

Neither Alexander nor Darbee, whether taken alone or in combination, teach or suggest "[identifying a triggering user interaction] when a number of presses of the scroll forward key advances the presentation of the schedule of multimedia programming in the grid pattern of the EPG UI the predefined amount of time into the future," and "[presenting the schedule of multimedia programming in the grid pattern

that is associated with a scrolled forward time without identifying a triggering user interaction associated with the number of presses of the scroll forward key] when the number of presses of the scroll forward key advances a presentation of the schedule of multimedia programming in the grid pattern of the EPG UI less than a predefined amount of time into the future," as recited in amended claim 1.

Consequently, the combination of Alexander and Darbee does not teach or suggest at least this element of claim 1.

Moreover, the combination of Alexander and Darbee does not teach or suggest "in response to one or more triggering user interactions, presenting **a quick EPG-navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming**, the [quick] EPG-navigation UI having one or more user-selectable options therein," as recited in claim 1 (emphasis added).

In the rejection of this element, before the amendment, the Office cites Darbee. *Action*, p. 6. However, the quick view of Darbee is merely a list of call-signs or networks followed by program titles, not a "quick EPG-navigation UI" as claimed. Furthermore, even if the Office is correct in characterizing "Quick View" of Darbee as a "quick EPG-navigation UI" as claimed, the cited portion of Darbee explicitly states "FIG. 7 shows three displays obtained upon scrolling of the visual display in **successive** half-hour increments for one channel." *Id.*, [0033] (emphasis added). That is, each of the displays of FIG. 7 is shown successively, not together, and none is "inlaid within the grid pattern of the schedule of multimedia programming," as recited in claim 1.

For at least the reasons presented herein, the combination of Alexander and Darbee does not teach or suggest all of the features of claim 1. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claim 1.

## Independent Claims 13 and 17

Claim 13 recites (with emphasis added):

A method comprising:
monitoring user interactions with an electronic program guide (EPG) user interface (UI) illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel;
receiving a user interaction with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI;
presenting an inlaid quick EPG-navigation UI in response to one or more triggering user interactions, the inlaid quick EPG-navigation UI being inlaid within the grid pattern of the schedule of multimedia programming and having user-selectable options,
wherein the inlaid quick EPG-navigation UI is presented so that the **inlaid quick EPG-navigation UI is logically inlaid between time blocks of the schedule of multimedia programming in the grid pattern**, the grid pattern being truncated with respect to the time dimension to accommodate the quick EPG-navigation UI, and **the schedule of multimedia programming and inlaid quick EPG-navigation UI both being presented simultaneously**, and
wherein the triggering user interactions include a number of presses of the scroll forward key which advances a presentation of a schedule of programming in the grid of the EPG UI a predefined amount of time into the future; and
responding to a user's selection of one or more of the options of the inlaid quick EPG-navigation UI,
wherein after the presenting of the quick EPG-navigation UI, the EPG UI includes a first display area having at least a portion of the schedule of multimedia programming in a grid pattern and a second display area having the quick EPG-navigation UI.

Meanwhile, **Claim 17** recites (with emphasis added):

A method comprising:

receiving one or more user interactions with an electronic program guide (EPG) user interface (UI) illustrating a schedule of multimedia programming in a grid pattern, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel;

monitoring user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI;

in response to one or more triggering user interactions, presenting a quick EPG-navigation UI that is inlaid within the grid pattern of the schedule of multimedia programming, the quick EPG-navigation UI having one or more user-selectable options therein,

wherein the inlaid quick EPG-navigation UI is presented so that the **inlaid quick EPG-navigation UI is logically inlaid between time blocks of the schedule of multimedia programming in the grid pattern**, the grid pattern being truncated with respect to the time dimension to accommodate the quick EPG-navigation UI, and **the schedule of multimedia programming and inlaid quick EPG-navigation UI both being presented simultaneously**, and

wherein the triggering user interactions include a number of presses of the scroll forward key which advances a presentation of a schedule of programming in the grid of the EPG UI a predefined amount of time into the future;

receiving one or more user selections of one or more of the options of the inlaid quick EPG-navigation UI; and

responding to such user selections.


Claims 13 and 17 are allowable over a combination of Alexander and Darbee.

In the rejection of claims 13 and 17, the Office refers to the rejection of claim 1.

However, claims 13 and 17 highlight that an "inlaid quick EPG-navigation UI is logically inlaid between time blocks of the schedule of multimedia programming in the grid pattern" and "the schedule of multimedia programming and inlaid quick EPG-navigation UI both being presented simultaneously," which are not recited in claim 1.

The Office acknowledges that Alexander lacks an "inlaid quick EPG-navigation UI," and cites Darbee. Meanwhile, Darbee discusses switching from a quick view to a detailed view and presenting successive screens. Neither switching views nor successive screens teach or suggest simultaneous presentation of a quick EPG-navigation UI inlaid within a schedule of programming.

Moreover, neither Alexander nor Darbee, whether taken alone or in combination, teach or suggest a number of presses of the scroll forward key being triggering user interactions causing presentation of the inlaid quick EPG-navigation UI.

For at least the reasons presented herein, the combination of Alexander and Darbee does not teach or suggest all of the features of claims 13 or 17. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 13 and 17.

## *Independent Claims 21 and 25*

**Claim 21** recites:

A multimedia presentation system comprising:
a presentation unit configured to present an electronic program guide (EPG) user interface (UI) illustrating **a schedule of multimedia programming in a grid pattern**, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel; and
an input unit configured to monitor and receive user interactions with the EPG UI, including presses of a scroll forward key indicative of a user's desire to see future scheduled programming in the EPG UI;
wherein the presentation unit is further configured to:
**present, simultaneously with the schedule of multimedia programming, an inlaid quick EPG-navigation UI** in response to one or more triggering user interactions received by the input unit, **the inlaid quick EPG-navigation UI being inlaid within the grid pattern** of the

schedule of multimedia programming and having two display areas each including user-selectable options therein, the two display areas including a first display area having user-selectable options for finding shows by name or keyword and a second area having user-selectable options for finding shows by time, the two display areas being separate and distinct and the user-selectable options of the two display areas being different from one another,

> wherein **the inlaid quick EPG-navigation UI is presented so that the inlaid quick EPG-navigation UI is logically inlaid between time blocks of the schedule of multimedia programming in the grid pattern**, the grid pattern being truncated with respect to the time dimension to accommodate the quick EPG-navigation UI, and

> wherein the triggering user interactions include a number of presses of the scroll forward key which advances a presentation of a schedule of programming in the grid of the EPG UI a predefined amount of time into the future; and

present new content in response to one or more a user interactions received by the input unit, wherein such interactions are indicative of a user selection of one or more of the options of the inlaid quick EPG-navigation UI.

Meanwhile, **Claim 25** recites:

> A tangible processor-readable medium having processor-executable instructions that, when executed by a processor, produces an electronic program guide (EPG) user interface (UI), the UI comprising:
>
> a first display area illustrating **a schedule of multimedia programming in a grid pattern**, the grid pattern having a time dimension and a channel dimension, each multimedia program shown in the grid pattern being associated with a time and a channel;
>
> a second display area illustrating **an inlaid quick EPG-navigation UI, the inlaid quick EPG-navigation UI being inlaid within the grid pattern** of the schedule of multimedia programming and having two display subareas each including user-selectable options therein, the two display areas including a first display area having user-selectable options for finding shows by name or keyword and a second area having user-selectable options for finding shows by time, the two display areas being separate and distinct and the user-selectable options of the two display areas being different from one another,

wherein **the inlaid quick EPG-navigation UI is positioned so that it is logically inlaid between time blocks of the schedule of multimedia programming in the grid pattern**, the grid pattern is truncated with respect to the time dimension to accommodate the quick EPG-navigation UI, and **the schedule of multimedia programming and inlaid quick EPG-navigation UI are both presented simultaneously**;

an executable process associated with one or more of the user-selectable options that is configured to present new content in response to one or more a user interactions received by the input unit that is indicative of a user selection of one or more of the options of the quick EPG-navigation UI.

Claims 21 and 25 are allowable over a combination of Alexander and Darbee.

In the rejection of claim 21, the Office acknowledges that Alexander lacks teaching a presentation unit configured as claimed, and cites Darbee in an effort to remedy the deficiency. *Action*, pp. 11-12 (citing Darbee, FIG. 7, [0033], [0133], [0134], [0137], [0229], and [0223]). Meanwhile, in the rejection of claim 25, the Office only refers to the rejection of claim 21.

However, the quick view of Darbee is merely a list of call-signs or networks followed by program titles, not an "inlaid quick EPG-navigation UI" as claimed. Furthermore, even if the Office is correct in characterizing "Quick View" of Darbee as a "inlaid quick EPG-navigation UI" as claimed, the cited portion of Darbee explicitly states "FIG. 7 shows three displays obtained upon scrolling of the visual display in **successive** half-hour increments for one channel." *Darbee.*, [0033] (emphasis added). That is, each of the displays of FIG. 7 is shown successively, not simultaneously, and none is "inlaid within the grid pattern of the schedule of multimedia programming," as recited in claim 21.

Moreover, neither Alexander nor Darbee, whether taken alone or in combination, teach or suggest a number of presses of the scroll forward key triggering user interactions causing presentation of the inlaid quick EPG-navigation UI.

For at least the reasons presented herein, the combination of Alexander and Darbee does not teach or suggest all of the features of claims 21 or 25. Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 21 and 25.

### Dependent Claims 2-4, 6-12, 14-16, 18-20, 22-24, 26, and 28

Claims 2-4, 6-12, 14-16, 18-20, 22-24, 26, and 28 each ultimately depend from one of independent claims 1, 13, 17, 21, or 25. As discussed above, claims 1, 13, 17, 21, and 25 are allowable over the cited documents. Therefore, claims 2-4, 6-12, 14-16, 18-20, 22-24, 26, and 28 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

For example, **claim 3** recites:

> **generating the quick EPG-navigation UI** and determining positioning of the quick EPG-navigation UI within the EPG UI **based upon context of user interactions with the EPG UI before the triggering user interaction**.

In rejecting claim 3, the Office Action states:

The viewer can jump to the channel slot for a particular channel by entering the digits of the channel identification number on the key pad of the viewer's remote control device. The EPG interprets the number and calculates the proper position for the EPG cursor. The EPG then displays the cursor at the appropriate channel slot on-screen.

*Action*, p. 6 (quoting Alexander, c. 16, ll. 29-35).

While Alexander may discuss a user being taken to a particular channel when the user enters the channel identification number, doing so in no way teaches or suggests "generating [a] quick EPG-navigation UI [that is inlaid within the grid pattern of the schedule of multimedia programming, the generating being] based upon context of user interactions with the EPG UI before the triggering user interaction," as recited in claim 3.

As another example, **claims 7, 16, 19, 24 and 28** recites eight user-selectable options including:

> an option to search future programming based upon one or more characteristics of that programming;
> an option to look ahead into the schedule of multimedia programming of the EPG UI;
> an option to view one or more live television multimedia programs;
> an option to view one or more on-demand multimedia programs;
> an option to view one or more pay-per-view multimedia programs;
> an option to view one or more locally stored multimedia programs;
> an option to view one or more multimedia commercial messages; and
> an option to filter or otherwise adjust the parameters the determine which programs are listed by time within the grid.

In rejecting claims 7, 16, 19, 24 and 28, the Office Action states, "the viewer is also give the option of filtering." *Action*, pp. 7, 9, 13, and 14 (citing Alexander, c. 11, ll. 35-36). The Office rejects claim 19 based on the rejection of claim 7. *Id.*, p. 10.

In addition, the Office Action indicates that Alexander "offer[s] search capabilities to the viewer to locate information of interest" and that a "viewer can choose to view the Grid Guide in an 'all channel' format which displays in some order every channel and the listings of programs already in progress or scheduled to being at some time in the future." *Id.*, "Response to Arguments," p. 4 (quoting Alexander, c. 18, ll. 52-53 and c. 10, ll. 32-35). The Office concludes the section with the statement "that means [a] user has the options to select different types of contents from the guide." *Id.*, p. 4.

Alexander discusses an EPG connecting to a web site that may "offer search capabilities to the viewer to locate information of interest. Once the viewer is connected with a specialized information guide/data service, the viewer can use the … service to direct the viewer to particular information contained in the EPG Grid Guide." *See Alexander*, c. 18-19, ll. 33-4. Thus, in Alexander the user connects to a separate web site search service that may then provide the viewer with corresponding information for the EPG.

Even if the Examiner is correct in characterizing the cited portions of Alexander, regarding filtering and future programming, claims 7, 16, 19, 24, and 28 require more than simply an option for filtering, a web site offering search capabilities, and some ordered presentation of current and future program listings. Alexander does not teach or suggest a quick EPG-navigation UI inlaid within a schedule of multimedia

programming in a grid pattern and the quick EPG-navigation UI providing the eight claimed user selectable options.

As yet another example, **claims 10 and 20** recite:

> receiving a scroll forward input after the presenting of the EPG-navigation UI and, in response, presenting the EPG without the EPG-navigation UI.

In rejecting claim 10 the Office Action states, "scrolling up and down." *Action*, p. 8 (citing Alexander, c. 10, ll. 37-42). The Office rejects claim 20 based on the rejection of claim 10. *Id.*, p. 10.

The cited passage describes scrolling within an EPG. In response, Applicant respectfully submits that scrolling within an EPG does not teach or suggest presenting an EPG *without* an EPG-navigation UI *in response to a scroll forward input received after the presentation of the EPG-navigation UI*. Alexander makes no reference to an EPG-navigation UI, much less to receiving a scroll forward input after presenting such a UI, and Darbee fails to remedy this deficiency.

Applicant advanced this argument in the last response. In the most recent Office Action, the Office maintained the previous rejection and did not address this argument. **Applicant respectfully requests that the Office address this argument.**

As still another example, **claim 11** recites (emphasis added):

> **the quick EPG-navigation UI is presented so that** it is inlaid between time blocks of the schedule of multimedia programming in the grid pattern and so that **it is shown as being associated with a channel**.

In rejecting claim 11 the Office Action states, "a quick navigation table." *Action*, p. 8 (citing Alexander, FIG. 7). FIG. 7 is reproduced below for convenience.

## FIG. 7
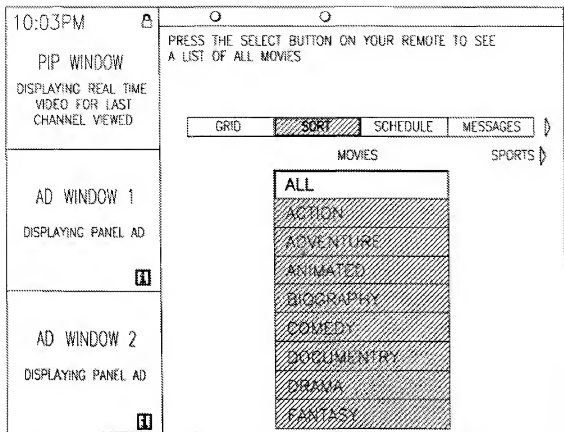


Even if FIG. 7 of Alexander does show a "quick navigation table," Alexander does not show that table as being "inlaid between time blocks of the schedule of multimedia programming in the grid pattern", as required by claim 11. Also, claim 11 requires that the EPG-navigation UI be "shown as being associated with a channel." Neither Figure 7 of Alexander nor any other portion of any of the cited references shows such an EPG-navigation UI.

Applicant has now advanced this argument regarding claim 11 in three consecutive responses. In the most recent Office Action, the Examiner maintained the previous rejection of claim 11 and did not address this argument for the second

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consecutive Office Action.  **Applicant respectfully requests that the Office address this argument.**

Accordingly, Applicant respectfully requests that the Office withdraw the § 103 rejection of claims 2-4, 6-12, 14-16, 18-20, 22-24, 26, and 28.

## New Dependent Claims 29 and 30

New dependent claims 29 and 30 depend from independent claims 17 and 21, respectively.  As discussed above, claims 17 and 21 are allowable over the cited documents.  Therefore, claims 29 and 30 are also allowable over the cited documents of record for at least their dependency from an allowable base claim, and also for the additional features that each recites.

Accordingly, Applicant respectfully requests that the Office examine claims 29 and 30.

## Expectation that a Next Action, If Not a Notice of Allowance, be Non-Final

Applicant is in receipt of the Non-Final Office Action mailed February 3, 2011, in this application.  In accordance with MPEP 706.07, Applicant submits that to make a next action a final rejection would be premature.

Applicant respectfully asserts that finality of the next Office Action would be premature because no clear issue has been developed between the Examiner and Applicant regarding the instant claims.  "To bring the prosecution to as speedy conclusion as possible and at the same time to deal justly by both the applicant and the public, the invention as disclosed and claimed should be thoroughly searched in the first action and the references fully applied."  *MPEP*, 707.06.

Applicant respectfully asserts that the finality of the next Office Action would be improper because the Office has either misinterpreted one or more of the claims or has not addressed specific claimed aspects that the Applicant has indicated differ from the cited documents. It is not that the Office disagrees about whether specific claim language distinguishes the claims from the newly cited document; rather, it appears that the Office has not addressed whether specific claim language distinguishes the claims from the cited document. As a result, the Office has not addressed the merits of the claims presented in the amendment filed November 5, 2010. Accordingly, making the next Office Action final would interfere with the Applicant's right to adequately respond.

As discussed above, the current Office Action provides little or no explanation of how the cited document corresponds to the actual claim language of at least claims 7, 10, 11, 13, 16, 17, 19-21, 24, 25, and 28. Accordingly, Applicant can do little more than gainsay and is forced to make assumptions as to the Office's specific reasoning. Therefore, Applicant respectfully asserts that the right to adequately and effectively respond to the rejections of the Office has been denied.

In *In re Lee*, 61 USPQ2d 1430 (CA FC 2002), the Federal Circuit explained the following on page 1433:

> The Administrative Procedure Act, which governs the proceedings of administrative agencies [such as the Patent and Trademark Office] and related judicial review, establishes a scheme of "reasoned decisionmaking." Not only must an agency's decreed result be within the scope of its lawful authority, but the process by which it reaches that result must be logical and rational.

*Allentown Mack Sales and Service, Inc. v. National Labor Relations Bd.*, 522 U.S. 359, 374 (1998) (citation omitted).

This standard requires that the agency not only have reached a sound decision, but have articulated the reasons for that decision. The reviewing court is thus enabled to perform meaningful review within the strictures of the APA, for the court will have a basis on which to determine "whether the decision was based on the relevant factors and whether there has been a clear error of judgment."

*Citizens to Preserve Overton Park v. Volpe*, 401 U.S. 402, 416 (1971).

Applicant respectfully submits that the Office has not articulated the reasons for its decision-making. In addition, Applicant does not substantively amend claims 2-4, 6, and 8-26, herein. Thus, rejections in a next Office Action based on any newly cited document would represent a new ground of rejection.

Accordingly, Applicant respectfully requests that the Office reconsider the pending claims and that a next Office Action, if not a Notice of Allowance, be Non-Final.

## Conclusion

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.

If any issues remain that would prevent allowance of this application, **Applicant requests that the Examiner contact the undersigned representative before issuing a subsequent Action.**


Respectfully Submitted,

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